

In the Matter of Merchant Mariner's Document No. Z-769982
Issued to: JUAN A. SANCHEZ

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JUAN A. SANCHEZ

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

On 9 December, 1952, an Examiner of the United States Coast Guard at New York, New York, revoked Merchant Mariner's Document No. Z-769982 issued to Juan A. Sanchez upon finding him guilty of misconduct based upon a specification alleging in substance that while serving as utilityman on board the American USNS A. W. GREELEY under authority of the document above described, on or about 10 August, 1952, while said vessel was in the port of Bremerhaven, Germany, he wrongfully had in his possession certain narcotics; to wit, marijuana.

At the hearing, Appellant was given a full explanation of the nature of the proceedings, the rights to which he was entitled and the possible results of the hearing. Appellant was represented by an attorney of his own selection and he entered a plea of "guilty" to the charge and specification proffered against him.

Thereupon, the Investigating Officer made his opening statement and counsel for Appellant submitted a statement in mitigation on behalf of his client. Counsel stated that although Appellant admitted having been a habitual user of marijuana, he has purged himself of the offense of the use of marijuana and he has been sufficiently punished by serving the maximum imprisonment of three months. Therefore, counsel feels that a probationary period would better serve the ends of justice.

As a result of the plea of "guilty," no evidence was offered by the Investigating Officer.

At the conclusion of the hearing, having given both parties an opportunity to submit proposed findings and conclusions, the Examiner announced his finding and concluded that the charge had been proved by plea. He then entered the revoking Appellant's Merchant Mariner's Document No. Z-769982 and all other licenses, certificates of service and documents issued to this Appellant.

This appeal has been taken "from the findings of fact and conclusions of law" of the Examiner.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 10 August, 1952, Appellant was serving as utilityman on board the American USNS A. W. GREELEY and acting under authority of his Merchant Mariner's Document No. Z-769982 while the ship was at Bremerhaven, Germany.

While going ashore on this date, Appellant was searched and three marijuana cigarettes were found on his person. Appellant was tried for this offense before the United States Court of the Allied High Commission for Germany. He was convicted and sentenced to three months' imprisonment.

OPINION

In view of Appellant's plea of "guilty," there is no merit in the only point which he has raised on appeal. Since my review of the record has disclosed no defect in the proceedings, the order of revocation, which is required in the case of all seamen who are proven to be narcotics offenders, will be sustained.

ORDER

The order of the Examiner dated at New York, New York, on 9 December, 1952, is ~~AFFIRMED~~ **AFFIRMED**.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 23rd day of April, 1953.